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**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALAN RAY,

Defendant.

Case No. 2:20-mj-1098-VCF

**ORDER to Continue the Preliminary
 Hearing (Second Request)**

It is hereby stipulated and agreed, by and between Nicholas A. Trutanich, United States Attorney, through Jim W. Fang, Assistant United States Attorney, and Kathryn Newman, Assistant Federal Public Defender, counsel for Defendant, that the preliminary hearing in the above-captioned matter, previously scheduled for January 26, 2021, at 4:00 p.m., be vacated and continued until a time convenient to the Court, but no earlier than 30 days from the current setting.

1. Federal Rule of Criminal Procedure Rule 5.1(d) provides that “[w]ith the defendant’s consent and upon a showing of good cause—taking into account the public interest in the prompt disposition of criminal cases—a magistrate judge may extend the time limits [for preliminary hearings] one or more times.” Here, the parties desire to explore the

1 potential to resolve this matter before defendants are formally charged by a criminal
2 indictment.

3 2. In that regard, the government has provided defense counsel with limited
4 Rule 16 discovery in order to facilitate pre-indictment resolution. Defense counsel needs
5 additional time to review the discovery and discuss the case with her client prior to a
6 preliminary hearing or indictment. The parties are also engaged in ongoing negotiations to
7 resolve this matter pre-indictment.

8 3. This continuance is not sought for the purposes of delay, but to allow defense
9 counsel an opportunity to examine the merits of this case before a potential resolution can
10 be reached between the parties.

11 4. Defendant is in custody and agrees to the continuance.

12 5. Denial of this request could result in a miscarriage of justice, and the ends of
13 justice served by granting this request outweigh the best interest of the public and the
14 defendants in a speedy trial.

15 6. The additional time requested by this stipulation is excludable in computing
16 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C.
17 § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

18 DATED this 25th day of January, 2021.

19 NICHOLAS A. TRUTANICH
20 United States Attorney

21 s/ Jim W. Fang
JIM W. FANG
22 Assistant United States Attorney
Counsel for the United States

23 s/ Kathryn Newman
KATHRYN NEWMAN
24 Assistant Federal Public Defender
Counsel for Defendant

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 ALAN RAY,

7 Defendant.

Case No. 2:20-mj-1098-VCF

8 **FINDINGS AND ORDER**

9 Based on the pending Stipulation between the defense and the government, and good
10 cause appearing therefore, the Court hereby finds that:

11 1. The parties desire to continue the preliminary hearing to facilitate pre-
12 indictment resolution, and the government has provided defense counsel with limited Rule
13 16 discovery for that purpose. Defense counsel needs additional time to review the
14 discovery and discuss the case with her client prior to a preliminary hearing or indictment.
15 The Court finds good cause to continue the hearing to allow the parties to reach a pre-
16 indictment resolution.

17 2. Both counsel for defendant and counsel for the government agree to the
18 continuance.

19 3. Defendant is in custody and agrees to the continuance.

20 4. The continuance is not sought for the purposes of delay, but to allow defense
21 counsel an opportunity to examine the merits of this case before a potential resolution can
22 be reached between the parties.

5. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendants in a speedy trial.

6. The additional time requested by this stipulation is excludable in computing the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

THEREFORE, IT IS HEREBY ORDERED that the preliminary hearing in the above-captioned matter, previously scheduled for January 26, 2021, at 4:00 p.m., be vacated and continued to March 4, 2021 at 4:00 PM in LV Courtroom 3D before Magistrate Judge Cam Ferenbach.

DATED this 25 day of January, 2021.

Car. Fisher

HONORABLE CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE